

## NOT VOTING—69

Abercrombie	Ehlers	Minnick
Barrett (SC)	Engel	Neal (MA)
Becerra	Fattah	Oberstar
Berman	Galleghy	Perriello
Bishop (GA)	Gohmert	Pitts
Bocciari	Green, Gene	Putnam
Bono Mack	Grijalva	Radanovich
Brown (SC)	Hall (NY)	Rangel
Brown-Waite,	Harman	Rogers (KY)
Ginny	Hirono	Ros-Lehtinen
Butterfield	Issa	Roskam
Buyer	Jackson-Lee	Schrader
Calvert	(TX)	Shimkus
Camp	Johnson (IL)	Shuler
Cao	Jordan (OH)	Space
Coffman (CO)	Kaptur	Speier
Cuellar	Kilroy	Stark
Davis (AL)	Langevin	Sullivan
Deal (GA)	LaTourette	Thompson (MS)
DeFazio	Lipinski	Tiahrt
Dingell	Lofgren, Zoe	Tiberi
Doggett	McCotter	Wilson (OH)
Duncan	Melancon	Young (AK)
Edwards (TX)	Miller, Gary	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1042

Mr. SHUSTER changed his vote from "yea" to "nay."

Mr. DENT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2009

Mr. OBEY. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 38) making further continuing appropriations for fiscal year 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

## H.J. RES. 38

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking the date specified in section 106(3) and inserting "March 11, 2009".*

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

## GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous and tabular material on H.J. Res. 38.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this proposition simply keeps the government open

until midnight on Wednesday so we can complete our business. I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

I guess you all know that we didn't have to be here today debating yet another extension of a continuing resolution and we certainly didn't have to wait until the fiscal year was almost half over to complete a package of spending bills addressing funding for 2009. And yet here we are, 157 days into the new fiscal year, passing another short-term CR while our work on 2009 bills remains unfinished. Unfinished. What a shame. Madam Speaker, what a shame.

Had the Appropriations Committee been allowed by the Democrat leadership to do its work this year, we could have easily passed each of the 12 spending bills. Each of the bills would have benefited from Members offering ideas, debate. We actually do have talented Members on both sides of the aisle at the subcommittee level, not allowed to participate in the process.

□ 1045

Whether you are a Republican or a Democrat, liberal or conservative, your rights as a duly elected Member of this body have been belittled by a majority leadership that believes absolute power flows from the top.

Members should have had the opportunity to do what they were elected to do, shape legislation and make sure that their own voices and the voices of their people are heard. Instead, virtually every Member of the House has been shut out of the process of writing this massive \$410 billion spending bill that will govern how taxpayer dollars are spent for the remainder of this year.

The sad irony is that while the House passes another CR that keeps the government running, the Senate is doing what the House could only dream of doing, offering and debating amendments to the omnibus bill. It is no wonder so many Members of the House aspire to serve in the Senate. The Senate is the only place left in the U.S. Congress where legislation is still considered under a reasonably open process.

The Senate has wisely observed what the House has failed to recognize: Not one of the nine bills in the omnibus spending package was ever debated or considered in the House or the Senate. Six of the nine bills in the omnibus were never debated or considered by the full House Appropriations Committee. Senators are doing the right thing by attempting to improve this legislation, which is busting at the seams with too much spending.

The Senate's action last night sends an unmistakable signal that spending fatigue has finally set in. Certainly not in the House, but in the Senate spending fatigue has finally set in. Senators

from both parties recognize what the House leadership failed to observe, that the spending in the omnibus is excessive and goes far beyond what our public believes is reasonable and responsible.

Omnibus funding represents a \$32 billion or 8 percent increase over last year for the very same agencies and programs. This represents the largest annual Federal Government spending increase since President Carter served in 1978.

There is a storm brewing out there in the hinterlands, fueled by the public's disdain over the free-for-all spending of the Congress. Hundreds of billions of dollars directed to the stimulus package, Wall Street, auto makers, and the line of folks with their hands out continue to grow. Where does the spending end, Madam Speaker?

It has been said completing the omnibus is merely completing last year's unfinished business. But what a wasted opportunity it is to demonstrate to the American people that this Congress and this administration "gets it," and that we are ready to roll up our sleeves and address government spending going forward. Again, where does the spending end?

The Members of the House have had enough of the "my way or the highway" legislative process that has governed the formulation of the omnibus, the stimulus package and every supplemental bill passed over the last couple of years, and I believe the majority of our Members have had it with the proliferation of spending that will come to define the 111th Congress under this majority.

Madam Speaker, each of us recognizes that extending a CR one more time is an admission of our failure to complete our work on time. It will surely pass, but let's not lose sight that this is simply doing our work in the worst possible way. Again, it didn't have to be this way.

In closing, Madam Speaker, let me say that I don't believe this is Chairman OBEY's fault. While we may disagree over policy and funding levels, we both believe that it is time to get our appropriations process back on track. I look forward to working with the chairman this year and I am hopeful that together we can embrace an open process that allows for the full participation of the Members on both sides of the aisle.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I reserve my time.

Mr. LEWIS of California. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, the continuing resolution before us today presents us with a golden opportunity to send over to the other body some legislation that does not contain thousands of earmarks, legislation that is not bloated, legislation

that is not overspending. We can improve this joint resolution by adopting a motion to recommit to have the continuing resolution go through the end of this fiscal year, meaning September 30th, and that will present the other body with a choice; to keep the government open by passing this continuing resolution through the end of the fiscal year, or continuing going on a bloated, earmark-laden track.

I would hope that we would get the fiscal year 2009 appropriations over with so that the Appropriations Committee can do the work on the fiscal year 2010 budget. The way to save the taxpayers a lot of money, the way to stop all of the earmarks that have been crammed into the omnibus bill that this House passed last week is to pass a continuing resolution that continues government agencies at their existing spending level through the end of this fiscal year. I would hope that we would have an opportunity to vote on that, and I would enthusiastically support it, as would most of the taxpayers of this country.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 1 minute to the Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding and suggest that this continuing resolution we have on the floor today shouldn't be for the next 4 or 5 days; it really ought to be through the end of this fiscal year, which is September 30th of this year.

I know there are a lot of Members that have a lot of other issues that they would like to include in this, but the fact is that American families are hurting, small businesses are hurting around the country, our economy is hurting, and I think we can help our economy and we can send a strong signal to the American people by extending this spending freeze through September 30th.

Let's show the American taxpayers that we get it. Let's show investors in our American economy that we get it. Because clearly the bill that has been under consideration both here in the House and now in the Senate has a \$30 billion increase over last year's spending and includes nearly 9,000 earmarks, and the way to put all of this to a stop is to just have a spending freeze. Let's show the American people we understand the pain that they are under and show them that we are willing to tighten our belt.

So when we have our opportunity to offer our motion to recommit at the end of this process, there will be an extension of that date through September 30th, with some increases for those in police departments and the FBI and other law enforcement jurisdictions, and it is something that I think is a responsible way forward. I would encourage my colleagues to support the motion to recommit.

Mr. LEWIS of California. Madam Speaker, I am happy to yield 2 minutes to my colleague, the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

To paraphrase the late Admiral James Stockdale from his famous vice presidential debate of nearly 17 years ago, why are we here?

I don't quite get this. I know there will be some who want to blame George Bush or any other Republican out there, but the fact of the matter is, for the first time in a long time, we have a Democratic President, a Democratic House of Representatives and a Democratic United States Senate, and yet we at this moment are dealing with the possibility of a government shutdown. I just don't quite comprehend this.

The American people, as our Republican leader and my California colleague, the distinguished ranking member of the committee, have said, the American people are hurting. We know very well with the unemployment rate that just came through it today at 8.5 percent, a one-half percent increase over 8 percent, that there are a lot of people who are suffering. We know of individual stories, and I have got to tell you the most painful one for me was to hear of the father of three young teenagers who committed suicide out in California over this.

So, we have a very, very difficult challenge ahead of us, and yet we are sitting here dealing with this issue and a massive increase in spending, which clearly the American people do not want. It is a policy that has failed. It failed throughout the 1930s.

We know what needs to be done, Madam Speaker, for us to get our economy back on track. What we need to do is we need to follow the model that was put forward by John F. Kennedy in 1961, the model of Ronald Reagan in 1981, because those solutions have in fact succeeded in the past. And yet we know that massive increases in spending, as the rest of the world has learned, are not the answer for the future.

I strongly support our effort to keep this spending as low as possible by supporting our motion to recommit.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 3 minutes to the Republican Conference chairman, the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, we come to this well at a very difficult time in the life of our Nation. American families are struggling under the weight of this recession. Millions of Americans are watching as their life savings are evaporating before their eyes. My own family has been touched by the hardship in the housing crisis and by job loss. So I come to this floor with a sense of urgency, and it is a sense of urgency that was confirmed this morning with the jobs report and a startling reality.

But in the midst of these very difficult times, the American people are rising to the occasion. As we speak in this well this morning, millions of Americans are doing in their small businesses, in their family farms and around their kitchen tables what this Congress should be doing. They are finding places to save. They are putting off expenditures that they don't have to make this year to make sure they make ends meet for the priorities in their lives.

Yet this Congress, by this massive omnibus bill, is going on with spending as usual. An 8 percent increase in Federal spending, the largest increase in a single year since I was in high school in the 1970s, apart from those months following September 11th, is not what the American people expect to see this Congress doing.

"Spending as usual" with thousands upon thousands of earmarks and special projects is not what the American people expect from this Congress during these difficult times. Madam Speaker, they want to see the Congress doing what they are doing, and that is making careful decisions, practicing fiscal discipline and setting aside "business as usual" to confront these challenging times.

□ 1100

And so I rise today to say, let's not just do this continuing resolution for a week but, as others have said, for the rest of this year, let's freeze Federal spending in virtually every area of the government. Let's say no earmarks in the Year 2009.

And it's not a value judgment on the Members who've made those project requests. I, myself, don't request projects of that nature. But it is to say, Madam Speaker, that in these difficult times, we have to do what every American family, every small business owner and every family farmer is doing, and that is making sacrifices and practicing discipline.

I urge my colleagues in both parties to join the minority today in supporting our motion to recommit. It's a motion that would essentially freeze all Federal spending, say to historic increases in spending in these difficult times, no to earmarks, and say yes to the practiced values of millions of Americans in these difficult days.

Mr. LEWIS of California. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, speaking as a partisan Republican, perhaps I should want the President to sign the omnibus bill if it is passed. There may be money for tattoo removal in the omnibus bill, but it won't be easy to remove the tattoo that comes with signing a bill like this, with nearly 9,000 earmarks contained in it.

Now, most of the attention has been put on the silly earmarks like swine odor abatement in Iowa or the tattoo removal in California. But more damaging are the thousands, literally,

thousands, Madam Speaker, of no-bid contracts that are contained in this legislation, thousands of congressionally-directed earmarks to private companies, which are no-bid contracts. And that will be a gift for Republicans that will probably keep on giving, because, as they are discovered in this legislation going forward, there are bound to be problems.

Already we know that the Department of Justice is investigating a lobbying firm that secured a number of earmarks in this legislation for its clients, and then turned around and made campaign contributions to the Members that secured those earmarks. There's an investigation going on right now. And those earmarks are still in the bill.

So, as I mentioned, as a partisan Republican, we probably should say, President, sign this bill. It will be good for us politically because it will be tougher for you to enact your agenda afterwards. But it's not good for the country.

It's not enough for the President to say this is last year's business. He should know that most of the bills contained in this omnibus spending measure didn't even go through the full committee process. Nearly 9,000 earmarks, most of them were air-dropped right at the end. We didn't see them last year. We saw most of them only 48 hours this year before the bill was signed. We had no ability to challenge any of them. So saying that is last year's business is simply not accurate.

Even if it were last year's business, let's take that analogy a little further. Iraq policy. If the President were to say—

The SPEAKER pro tempore (Mrs. TAUSCHER). The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman an additional 30 seconds.

Mr. FLAKE. If the President were to say, you know, this Iraq policy that was last year's business, I've inherited it. I'm just going to continue it, continue with the status quo. But he's not, nor should he. He is the President. His signature will go on the bottom of this bill, and he shouldn't sign it.

We should enact a long-term, 1-year CR and fund the government at last year's levels. Let's act on the fiscal responsibility that we all say that we are for.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana, my classmate, DAN BURTON.

Mr. BURTON of Indiana. You know, the people of this country, Madam Speaker, are not only hurting, they're mad as hell. They're losing their jobs. They're losing their homes. And then they look at Washington, D.C., and they see us spending this country right down the tubes.

They worry about their kids and their grandkids and what kind of a life we're going to leave for them with higher taxes and huge amounts of in-

flation because we're blowing so much money right now. And they say, why are they doing that? Why don't they freeze spending? Why don't they live like I have to live back in my district, back in my home?

\$787 billion, ultimately over \$1 trillion in the stimulus, \$410 billion in this bill, a budget of \$3.9 trillion, with a \$635 billion down payment on a new health care plan that's going to lead to socialized medicine and probably bankrupt the country down the road.

The people of this country want us to do our job. They want us to make sure that they have a better quality of life. They want to make sure they have lower taxes and they can send their kids to school and not have to worry about not having the money to do it.

And what are we doing here?

We're blowing their money over and over again, trillions of dollars, and putting them in a bigger and bigger hole.

My good friends on the Democrat side, I hope they'll listen to the people of this country. I hope you'll listen.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, here we are, March 6, doing what the Democrats should have done at the fiscal year closing on October 1. Now, I understand they were intimidated by George Bush and did not want to pass a budget out of the Democratically-controlled House or Senate. But they've now been in control of all three, House, Senate and White House, for 6 weeks, and nothing has been done.

Well, there have been some things done. For example, they had time to create 31 new Federal programs. They've had time to do some paybacks, political paybacks to their union supporters through executive orders. They've had time to entertain Stevie Wonder at the White House, to have the Nation's Governors into the White House for a little conga line dancing and, of course, they've had time to attack Rush Limbaugh.

Meanwhile, since election day the Dow has dropped 1,300 points, wiping out people's college education accounts and retirement savings. Unemployment is now above 8 percent. And yet, today, we're going to pass, or we're trying to pass a continuing resolution because we can't do what should have been done by the Democrat leadership October 1st.

This bill, by the way, is \$410 billion. It's an 8 percent increase. When combined with the \$790 billion stimulus package, that represents an 80 percent increase in Federal spending in 1 year. You know, if it worked, we would be in great shape because, under President Bush we passed a stimulus package. And I voted against that one. Fannie Mae, \$200 billion, that stimulus package last year, \$168 billion, AIG now up to \$180 billion, Bear Stearns, \$29 billion, the Wall Street bailout, \$700 billion. If spending worked, we would have the economy turned around by

now. We would be in great shape. But it doesn't work.

Let's reject this 80 percent increase in Federal Government spending. Let's do things to create jobs and rescue the savings of America's middle class.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. At a time when Americans are more concerned than ever before about the security of their job, about their next paycheck, about the strength of the American economy, at a time when everyone in Congress should be focused on protecting the American economy from sliding deeper into recession, the new majority in Congress is focused on spending more money and less time than any Congress in U.S. history.

These first 32 days that the new majority has been in control have been focused on, in many ways I'm reminded of what used to happen when a conquered city fell to a conquering army. The army was given 3 days to pillage.

This is like an unrestrained, absolutely unrestrained spending spree that we've never seen before in our history. We have, in these 32 days, the new majority in Congress has spent about \$1.6 trillion, \$800 billion in the stimulus package, \$400 billion with this omnibus here in front of us, \$350 billion with the additional TARP funds, at least \$65 billion in the new SCHIP children's health insurance bill.

We are spending money we do not have. We're borrowing money to pay off borrowed money. It is as though the new majority were paying off America's mortgage with a credit card. And everyone in America understands that this defies common sense. It defies all reason. No one in their private life would engage in conduct like this. And we, at a time of economic peril for the Nation, should not engage in it in Congress.

We, in the minority, the fiscal conservatives, have not only fought as politely as thoughtfully and carefully as we can this spending, but today we're offering a clear choice to the Congress and the country. We fiscal conservatives are offering an alternative to freeze Federal spending for the remainder of the fiscal year with a continuing resolution. It's called freeze current spending. That's common sense. It's something everyone in America can understand, that at home, in our businesses, and certainly when it comes to protecting the Treasury of the United States of America, we must not spend more than we bring in.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 30 additional seconds.

Mr. CULBERSON. We cannot spend more as a Nation than we bring in in revenue. We're already on a national credit card. And no matter who I talk to, in an E-town hall meeting last night, people back home who have never been involved in politics before

are paying attention closely to this debate. And today we fiscal conservatives in the minority are offering a very simple, clear choice.

Our alternative today, the motion to recommit, the vote that will be taken today, America, on the motion to recommit, a "yes" vote to recommit is a vote to keep spending flat for the rest of the fiscal year and exercise fiscal restraint. A "no" vote is to continue this unrestrained spending spree which will bankrupt our children.

Mr. LEWIS of California. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Speaker, the President last week held a fiscal responsibility summit. A week before that he had come to these Chambers to call and implore us for fiscal responsibility. Then last Thursday he rolls out a budget that's anything but fiscally responsible.

Following his speech the other night I was asked what I thought, what I wished he was going to say, actually before he spoke. What I wished he would have said is we've got some hard choices ahead of us, very difficult financial statements to be made; that we're going to start those with this statement: We're going to hold spending for the rest of fiscal 2009 to the numbers that were there in fiscal 2008. All of these new programs weren't in existence before we started. This Nation will get along without them if we don't have them in place.

And so the President could have made a great statement toward beginning this hard, arduous, difficult task of beginning to spend less money out of this Federal Government than we are currently contemplating.

I would call on my colleagues across the aisle to back the President up on his fiscal tough concepts and fiscal tough decisions that he wants to make by starting with this one. This is probably the easiest hard choice to make that we're going to have across these next months, and that is, let's just leave the rest of 2009 to spend at the exact levels we're spending right now. No increases from the \$31 billion that are contemplated in this bill.

The sad truth is the economic stimulus package that was passed includes additional monies to be spent on these exact line items. The numbers I saw was that, combined with this \$30 billion, that increased a total of \$301 billion of extra discretionary spending in Fiscal 2009 as a result of the stimulus and as a result of this passage of this omnibus bill of the continuing resolution.

I urge my colleagues to vote for the motion to recommit. Let's hold this spending at this year's levels. That's the easiest hard choice that we have to make. And there are lots of hard choices on the horizon. Let's start with that today and begin the process of reining in Federal spending with this vote.

And I urge passage of the motion to recommit here shortly.

Mr. LEWIS of California. Madam Speaker, I have no additional speakers. I must say that, as I rise to at least close my side of this discussion, I know that my chairman has to be very, very frustrated to find ourselves this far into the next fiscal year's work, finally passing 9 out of 12 of our appropriations bills from last year, I mean, all lumped into a big package, none of which have had any hearings on the full committee.

The Appropriations Committee members, Democrats and Republicans, presume themselves to have some individual expertise, but we never call upon them. We certainly wouldn't want to call on their fine staff to provide the sort of input that would reflect the finest of the Congress.

I must say, I'm working very hard with my chairman to get us back on regular order for the 2010 appropriations bills that are going to be ahead of us. We're actually going to have subcommittee hearings, Madam Speaker. We actually are probably going to have full committee hearings. We're going to call upon Democrat Members to provide some input regarding what the details are of their bills. Interesting process to get back to that regular order.

But having said that, Madam Speaker, we've taken much too much time and, because of that, I'm very happy to yield back the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I don't know how many of us remember the old song, "Shine on Harvest Moon." I'm reminded this morning more of "Whine on Harvest Moon" when I hear some of the complaints lodged about budget practices by our friends on the other side of the aisle.

□ 1115

I also am tempted to ask where on Earth is Herbert Hoover, but then I come to the realization, which is obvious, that he is alive and well, and resides in the House Republican caucus.

I find it strange to be lectured by folks on that side of the aisle, the folks who did such a "brilliant" job of running this institution and in running this economy and in running this country for the last 8 years. I find it interesting to be lectured on fiscal responsibility by people who borrowed \$1.2 trillion in order to pay for tax cuts, primarily for the wealthiest people in this country, all on borrowed money. I find it interesting to be lectured by people who managed to borrow almost \$1 trillion so far to fund what I regard as the most avoidable and dumbest war in American history, in Iraq, who paid for the whole war on the cuff. I find it ironic to be lectured about earmarks by the party that spent twice as much money on earmarks as we are spending since we took over and reformed the earmarking process. I also find it interesting to be lectured about economics

by the folks who presided over a government which, in the words of FDR, was frozen in the ice of its own indifference while 90 percent of all of the income growth in this country in the past 8 years went into the pockets of the wealthiest 10 percent of people in our society, leaving everybody else to struggle for table scraps.

So I do find all of that interesting, but I don't find it particularly productive, and I think we ought to get back, not to what we don't like or do like about what has happened in this institution, but I think we ought to focus instead on what is happening outside this institution to average Americans all over the country.

As has been noted several times this morning, the recent figures out of the Labor Department now indicate that unemployment has now risen above 8 percent. We're told by the most reputable economists in the country that it's liable to rise above 10 percent or even significantly worse. We see almost 700,000 new workers who are unemployed today in comparison to last month. We have lost 3 million jobs since the Democratic Party in the House tried to produce the first economic stimulus bill, modest though it was, in September of last year.

We are now debating a bill which is \$20 billion for education, for health care, for science, and the like, which is \$20 billion above the budget request made by President Bush last year. That sounds like a lot of money until you compare it to the \$200 billion that this economy has already lost because of its shrinkage just in the last 3 months of last year, and that \$20 billion in increased government funding looks mighty small in comparison to the \$200 billion more that we expect to have seen the economy shrink by in the first 3 months of this year, leaving a total hole in the economy for just that 6-month period of \$400 billion.

We are trying in this bill to provide the funding, which was the base for the stimulus bill that we passed just 3 weeks ago in this place, and they are intimately related to each other. This is an integral part of what we did in the stimulus package, which is supported by the American people in the most recent polls by well over 60 percent of the American public. They understand, when the economy is contracting at a record rate, squeezing millions of Americans out of the circle of prosperity, that we've got to respond to try to reinflate that economy again, and so this bill plays a small but crucial role in doing that.

Now, our friends on the other side of the aisle say we should just do a full year's CR. Well, if you do, you will come in virtually, identically, very close, at least, to President Bush's budget request for these programs. I don't think in a time of near economic collapse that we want to do that.

I don't believe that we want to eliminate the funds in this bill that are meant to deal with the Social Security/

disability backlog. I don't believe that we want to see the Federal Housing Administration cease to have the ability to issue mortgage insurance in April, as would be the case if we simply provided funding at the level that our friends want us to provide under their motion to recommit. I don't believe that we should follow a course of action which would mean that we could provide no new targeted vouchers for disabled and homeless veterans. I don't believe that we should eliminate the \$37 million that we have in this bill to enhance enforcement, oversight and investor protections at the Securities and Exchange Commission.

Neither do I believe that we ought to cut these programs to the level supported and requested by President Bush last year. If we did that, we would be cutting the Job Corps by \$46 million. We would be eliminating the employment service grants. We would be cutting senior jobs programs by \$172 million. We would be eliminating vocational education. We would be terminating the Community Services Block Grant program and so many others.

So I think the point is obvious. We really have operating here two different parties with two different visions for the future of this country, and we believe that when the private sector is essentially collapsing, as it is right now, that the government has an opportunity to step in and do what it can through fiscal policy and through supporting crucial programs, such as contained in the omnibus bill, so that we can counter the economic destruction that's going on in the private sector of the economy. That is what this bill tries to do.

If Members are more comfortable with the idea that we should simply glide along, do nothing and stick to the way we did things last year, be my guest. I don't think that's going to help the economy very much. I don't think it's going to impress the American people very much.

So I would urge the rejection of the motion to recommit when it's offered, and I would urge the passage of this resolution. In the end, the passage of this resolution is necessary in order to keep the government open, and that's what we ought to do today by passing this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House today, the joint resolution is considered read, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. LEWIS of California. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. I certainly am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the joint resolution H.J. Res. 38 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 1, beginning on line 5, strike "March 11, 2009" and insert "September 30, 2009".

At the end of the joint resolution, add the following new sections:

SEC. 2. Section 122 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking "\$5,396,615,000" and inserting "\$5,595,754,000".

SEC. 3. Section 123 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking "\$1,245,920,000" and inserting "\$1,295,319,000".

SEC. 4. Section 158 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by adding at the end the following new subsection:

"(c) Notwithstanding section 101, the maximum Pell Grant for which a student shall be eligible during award year 2009-2010 shall be \$4,860."

SEC. 5. The Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by inserting after section 174 the following new sections:

"SEC. 175. Notwithstanding sections 101 and 102 of this joint resolution, amounts are provided for 'Department of Justice—Federal Bureau of Investigation—Salaries and Expenses' at a rate for operations of \$7,147,700,000.

"SEC. 176. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—Drug Enforcement Administration—Salaries and Expenses' at a rate for operations of \$1,939,084,000.

"SEC. 177. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—United States Attorneys—Salaries and Expenses' at a rate for operations of \$1,836,336,000.

"SEC. 178. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—Bureau of Alcohol, Tobacco, Firearms, and Explosives—Salaries and Expenses' at a rate for operations of \$1,054,215,000.

"SEC. 179. Notwithstanding section 101 of this joint resolution, amounts are provided for 'United States Marshals Service—Salaries and Expenses' at a rate for operations of \$950,000,000.

"SEC. 180. In addition to amounts otherwise provided by section 101, an additional amount is provided for 'Department of Justice—State and Local Law Enforcement Assistance' for the State Criminal Alien Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), at a rate for operations of \$420,000,000.

"SEC. 181. Notwithstanding section 101 of this joint resolution, amounts are provided for 'The Judiciary—Courts of Appeals, District Courts, and other Judicial Services—Salaries and Expenses' at a rate for operations of \$4,801,369,000.

Mr. OBEY (during the reading). Madam Speaker, I would ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. LEWIS of California. Golly, Madam Speaker, I had really hoped we could read that entire thing, but on the other hand, I certainly wouldn't want to interfere with this speedy process we're going through.

Madam Speaker, I do have a motion to recommit at the desk. I must say that, following that very small bill as described by my chairman, which is only \$410 billion on top of \$800 billion, it's a shame we can't quite spend enough of the folks' money.

My chairman refers often to one who appears to be his favorite President, President Franklin Delano Roosevelt, who clearly, for all of us, demonstrated that throwing money at problems to try to solve them was not the answer to those problems.

Anyway, Madam Speaker, going back to my motion to recommit, today we find ourselves in a difficult situation where we must vote on a CR to allow the government to operate while we wait for the Senate to pass this flawed omnibus appropriations bill.

The quandary we face today is a symptom of the larger problem. When Congress engages in regular order where we consider and pass individual appropriations bills on time and under an open process, these massive omnibus bills and continuing resolutions are just simply not needed. However, we are between a rock and a hard place, and this motion to recommit is the best solution to that.

Instead of punting for yet another few days, this motion takes care of the problem now by providing funding for the rest of the fiscal year at an adequate and restrained level while we consider the other huge packages that are coming forth from this leadership. This motion to recommit extends the current funding levels for all government agencies and programs with certain exceptions.

I must mention as I talk about the exceptions: The other side, but particularly my chairman, loves to talk about cuts from cuts. The public should understand that those cuts really are talking about cuts from wished-for increases in spending from the previous fiscal year. In about 90 percent of the cases, that is the case.

These exceptions include law enforcement programs in our package like the DEA, the FBI, U.S. Attorneys, the Judiciary, and the detention programs such as the State Criminal Alien Assistance Program, which helps local communities with the costs associated with the incarceration of illegal aliens. These programs will receive limited and necessary increases to maintain public safety. This motion also allows the Pell Grant increase approved in the enacted stimulus bill to move forward into next year.

Madam Speaker, a year-long continuing resolution with these exceptions is the best option. It will maintain critical government services at a

sufficient level while saving the taxpayers between \$15 billion and \$18 billion compared with our Democratic leadership's 2009 spending plan. It is time to move forward with the work of this new Congress and, once and for all, close out 2009 and its appropriations process. This motion will allow us to do this immediately and responsibly and without massive spending increases that the taxpayers cannot afford.

As we begin the work of the 2010 appropriations process, it is my hope and, I believe, the commitment from my leader that we can work together in a bipartisan way to complete our annual work on time and under regular order. That is even with subcommittee hearings—my goodness—and with full committee hearings. This includes asking the Democrat and Republican members of the Appropriations Committee to participate individually, even talking to their staffs once in a while in a professional way. That would be, indeed, a wonderful change to return to regular order.

So, with that, Madam Speaker, I appreciate your accepting my motion to recommit.

I yield back the balance of my time.

□ 1130

Mr. OBEY. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Speaker, I yield to the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding.

We have one option here because the government will shut down tomorrow by action of this Congress. And so our alternative is to keep the government operating, to defend our people in many ways, continue health care in many ways, to make sure that the services that are needed and available for our citizens remain so.

The Senate has already deemed the gentleman from Wisconsin's motion to be passed. Why? Because they've gone home. They're not here.

I urge every Member to reject this motion to recommit. Why? Because it will be objected to by at least one Senator, and therefore, the government will shut down.

Pending before the Senate is an appropriation bill passed by this House to fund government and to apply the resources of our country to our country's priorities. The gentleman from California knows that we had to do that numerous times under his chairmanship. Sometimes we passed those bills in January, sometimes we passed them in February, having a very large number of bills because the regular order was not effected within the time frame set forth. He did not like that. I did not like it. We don't like it as a process. None of us like this process, and hopefully we will have the cooperation of both sides so that it is not affected again.

But we have pending in the Senate a bill, the omnibus bill, and let me read to you the quote of the Republican leader of the United States Senate:

"If we want to do a bill immediately, again, my recommendation is the omnibus appropriations bill." Hear me. This is Senator MITCH MCCONNELL, the Republican leader.

"These were nine bills that were not passed by October when they should have been passed." I agree with that.

"They are ready to go," he said. "They've already been vetted by both sides," he said, "would pass on an overwhelming, bipartisan basis," he said, "and much of that spending, George"—he was speaking to George Stephanopoulos—"would be on things similar to what the President may be asking for in that package."

He was accurate then; he's accurate now. But unfortunately, the Senate did not effect the passage of this bill in a timely fashion, although they have had it for a significant period of time.

And so the chairman of the Appropriations Committee is confronted with but one option because the option that is offered on the other side will not receive unanimous consent. And the Senate, as I said before, has gone home.

And so I say to all of my colleagues on our side of the aisle, we need to pass this motion, and we need to reject the motion to recommit. And responsibly, there is not another option.

So I ask all, on both sides of the aisle, to give us the opportunity to move forward, to keep the government open, and to continue the debate that the Senate apparently wants to continue to have. The minority does not have the votes in the Senate to do what they want to do. The majority will vote for the omnibus appropriations bill. This is not a question of whether the majority of the Senate is for it, it's a question of whether the minority will stop its passage.

We can be here Saturday and Sunday and Monday and heaven knows how long, but it will not change the fact that confronts us.

Reject this motion to recommit that will not be approved by the Senate, pass the short-term continuing resolution proposed by the chairman, and let us come back next week and work the will of this House and the Senate.

Mr. OBEY. Madam Speaker, I urge opposition to the motion, and I urge passage of the resolution.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. LEWIS of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 160, noes 218, not voting 53, as follows:

[Roll No. 108]

#### AYES—160

Aderholt	Gerlach	Mitchell
Akin	Giffords	Moran (KS)
Alexander	Gingrey (GA)	Murphy, Tim
Altmire	Gohmert	Myrick
Austria	Goodlatte	Neugebauer
Bachmann	Granger	Nunes
Bachus	Graves	Nye
Bartlett	Guthrie	Olson
Barton (TX)	Hall (TX)	Paul
Biggert	Harper	Paulsen
Bilbray	Hastings (WA)	Pence
Bilirakis	Heller	Petri
Bishop (UT)	Hensarling	Platts
Blackburn	Herger	Poe (TX)
Blunt	Hoekstra	Posey
Boehner	Hunter	Price (GA)
Bonner	Inglis	Radanovich
Boozman	Jenkins	Rehberg
Boustany	Johnson, Sam	Reichert
Brady (TX)	Jones	Roe (TN)
Broun (GA)	King (IA)	Rogers (AL)
Buchanan	King (NY)	Rogers (MI)
Burgess	Kingston	Rohrabacher
Burton (IN)	Kirk	Rooney
Campbell	Kline (MN)	Royce
Cantor	Lamborn	Ryan (WI)
Capito	Lance	Scalise
Carter	Latham	Schmidt
Cassidy	LaTourette	Schock
Castle	Latta	Sensenbrenner
Chaffetz	Lee (NY)	Sessions
Childers	Lewis (CA)	Shadegg
Coble	Linder	Shuster
Cole	LoBiondo	Simpson
Conaway	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (NJ)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel	Souder
Dent	E.	Stearns
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Donnelly (IN)	Marchant	Thornberry
Dreier	McCarthy (CA)	Tiahrt
Ellsworth	McCaul	Turner
Emerson	McClintock	Upton
Fallin	McCotter	Walden
Flake	McHenry	Wamp
Fleming	McKeon	Westmoreland
Forbes	McMorris	Whitfield
Fortenberry	Rodgers	Wilson (SC)
Fox	Mica	Wittman
Franks (AZ)	Miller (FL)	Wolf
Frelinghuysen	Miller (MI)	Young (AK)
Garrett (NJ)	Minnick	Young (FL)

#### NOES—218

Ackerman	Clay	Frank (MA)
Adler (NJ)	Cleaver	Fudge
Andrews	Clyburn	Gonzalez
Arcuri	Cohen	Gordon (TN)
Baca	Connolly (VA)	Grayson
Baird	Conyers	Green, Al
Baldwin	Cooper	Griffith
Barrow	Costa	Grijalva
Bean	Costello	Gutierrez
Becerra	Courtney	Halvorson
Berkley	Crowley	Hare
Berry	Cummings	Hastings (FL)
Bishop (NY)	Dahlkemper	Heinrich
Blumenauer	Davis (CA)	Herseth Sandlin
Boren	Davis (IL)	Higgins
Boswell	Davis (TN)	Hill
Boucher	DeGette	Himes
Boyd	Delahunt	Hinchee
Brady (PA)	DeLauro	Hinojosa
Braley (IA)	Dicks	Hirono
Bright	Doggett	Hodes
Brown, Corrine	Doyle	Holden
Butterfield	Driehaus	Holt
Capps	Edwards (MD)	Honda
Capuano	Edwards (TX)	Hoyer
Cardoza	Ellison	Inslee
Carnahan	Engel	Israel
Carney	Eshoo	Jackson (IL)
Carson (IN)	Etheridge	Johnson (GA)
Castor (FL)	Farr	Johnson, E. B.
Chandler	Filner	Kagen
Clarke	Foster	Kanjorski

Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loeb sack  
Lowe  
Luján  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)

## NOT VOTING—53

Abercrombie  
Barrett (SC)  
Berman  
Bishop (GA)  
Bocieri  
Bono Mack  
Brown (SC)  
Brown-Waite,  
Ginny  
Buyer  
Calvert  
Camp  
Cao  
Coffman (CO)  
Cuellar  
Davis (AL)  
Deal (GA)  
DeFazio  
Dingell

## □ 1200

Ms. WOOLSEY, Mr. McMAHON, Ms. HERSETH SANDLIN, Messrs. MURTHA, GUTIERREZ, Mrs. CAPPS and Mr. JOHNSON of Georgia changed their vote from “aye” to “no.”

Mr. MILLER of Florida changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. OBEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 328, noes 50, not voting 53, as follows:

Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Yarmuth

[Roll No. 109]

## AYES—328

Frank (MA)  
Frelinghuysen  
Fudge  
Gerlach  
Giffords  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Hereth Sandlin  
Higgins  
Boyd  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kennedy  
Clarke  
Kilpatrick (MI)  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
LoBiondo  
Loeb sack  
Lowe  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lynch  
Maffei  
Maloney  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter

Souder  
Speier  
Spratt  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko

## NOES—50

Akin  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Blackburn  
Blunt  
Bonner  
Broun (GA)  
Burgess  
Burton (IN)  
Carter  
Chaffetz  
Cole  
Davis (KY)  
Fallin  
Flake  
Fox  
Franks (AZ)  
Garrett (NJ)  
Gingrey (GA)  
Herger  
Hunter  
Johnson, Sam  
King (IA)  
Kingston  
Latta  
Lewis (CA)  
Linder  
Lungren, Daniel  
E.  
Mack  
Manzullo  
McHenry  
Moran (KS)  
Neugebauer  
Pascarell  
Paul  
Petri  
Poe (TX)  
Radanovich  
Royce  
Sensenbrenner  
Sessions  
Shadegg  
Smith (TX)  
Stearns  
Stupak  
Thornberry  
Tiahrt  
Westmoreland

## NOT VOTING—53

Abercrombie  
Barrett (SC)  
Berman  
Bishop (GA)  
Bocieri  
Bono Mack  
Brown (SC)  
Brown-Waite,  
Ginny  
Buyer  
Calvert  
Camp  
Cao  
Coffman (CO)  
Cuellar  
Davis (AL)  
Deal (GA)  
DeFazio  
Dingell  
Duncan  
Ehlers  
Fattah  
Gallegly  
Green, Gene  
Hall (NY)  
Harman  
Issa  
Jackson-Lee  
(TX)  
Johnson (IL)  
Jordan (OH)  
Kaptur  
Kilroy  
Lipinski  
Lofgren, Zoe  
McDermott  
McKeon  
Melancon  
Miller, Gary  
Neal (MA)  
Perriello  
Pitts  
Putnam  
Rangel  
Rogers (KY)  
Ros-Lehtinen  
Roskam  
Shimkus  
Shuler  
Space  
Stark  
Sullivan  
Tiberi  
Wilson (OH)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

## □ 1207

Mr. PENCE changed his vote from “no” to “aye.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. McDERMOTT. Madam Speaker, I was unable to vote on H.J. Res. 38. Had I been able to vote, I would have voted “aye” on this resolution and “no” on the motion to recommit.

## NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows: